

Notice of Allowability

Application No.

10/701,958

Examiner

Laura C. Cole

Applicant(s)

DAVICS ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 14 April 2005.
2. ☒ The allowed claim(s) is/are 1-4 and 6-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 04142005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05182005
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Vago on 23 May 2005.

The application has been amended as follows:

In the Claims:

Claim 20 Line 11 after "surface" please insert - - is solid - -

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

None of the prior art made of record includes a toothbrush including a handle with a motor, a head having one or more moving bristle holders, wherein the bristle holders are operatively connected to the motor, a neck disposed between the handle and head, a movable shaft operatively connected to the motor and bristle holders, wherein the shaft passes through the neck, the handle having a viewing window and a movable viewing surface disposed there beneath, wherein at least a portion of the viewing surface is visible through the window, and wherein the viewing surface is coupled to the motor so that rotational output of the motor causes movement of the viewing surface.

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USPN 6,183,336 to Coleman et al. discloses a device that has a handle with a motor, viewing window, and a movable viewing surface disposed beneath the window, wherein the viewing surface is visible through the window, and the viewing surface is magnetically coupled to the motor. It is not taught or suggested that Coleman could be modified for use with an electric toothbrush having a moving bristle holder because some moving mechanism would have to pass through the liquid filled housing to connect with the moving bristle holder.

US 2004/0187889 to Kemp discloses a toothbrush that includes a handle having a neck, a viewing window, and a movable viewing surface disposed beneath the window wherein the viewing surface is visible through the window. Kemp does not particularly specify that the toy (viewing surface) within the handle is what is the power-operated handle. It would not have been obvious to combine the device of Berger et al., USPN 2,838,976, with Kemp, since the handle of Kemp is particularly for storage of the toy (viewing surface). Kemp does not teach or suggest a coupled viewing window and a movable viewing surface. Also, neither Kemp nor Berger teach or suggest a shaft that passes through the neck that is operatively connected to a motor.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Cole whose telephone number is (571) 272-

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1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on (571) 272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LCC

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18 May 2005


JOHN KIM
SUPERVISORY PATENT EXAMINER